

The present appeal is from the granting of motions to dismiss the Amended Complaint filed on February 26, 2013.¹ In his Opinion, Judge Gross analyzed the various prior rulings related to the Skadden Retention Order dated September 21, 2006, the present accusations made by Appellant in his Amended Complaint filed in the Bankruptcy Court and the prior findings and decisions of the Bankruptcy Court, this Court and the Third Circuit Court of Appeals that were relevant to the motions to dismiss. His analysis included a thorough discussion of all statute of limitations which might be applicable to Appellant's claims and found that all were time barred. The Bankruptcy Court further determined that Appellant is barred by the operation of the doctrines of law of the case, *res judicata* and collateral estoppel, as well as lack of standing. The court did not impose any monetary sanctions although requested by Appellees, but enjoined Appellant from filing any further pleadings against Appellees without leave of the court. Having reviewed the Bankruptcy Court's decision, which decided matters based primarily on issues of law and imposed an injunction restricting further filings, and in light of the long history among the parties, this matter is not conducive to mediation.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. The parties are advised, through this Recommendation, of their right to file objections

¹ The original complaint was filed on December 26, 2012.

pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng
UNITED STATES MAGISTRATE JUDGE